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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,559	04/14/2004	Karsten Kohler	TD 149	6248
27956	7590	08/04/2005	EXAMINER ROYAL, PAUL	
KLAUS J. BACH 4407 TWIN OAKS DRIVE MURRYSVILLE, PA 15668			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,559

Applicant(s)

KOHLER ET AL.

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 04/16/2003. It is noted, however, that applicant has not filed a certified copy of German application 103 17 467.2 as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement filed 05/22/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specifically, no explanation of the relevance of document DE 3203393 has been provided.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 5 discussing "recesses" for the LEDs in the intermediate layer and the "highly reflective side limit areas" arranged on the base below the light permeable areas, as recited in

claim 9, and as disclosed in the specification elements "5c" and "2a" must be shown or the feature(s) canceled from the claim(s).

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 10, 11 and 29. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: the specification uses the term "motif" where, as best understood, the term used should be "motive".

Appropriate correction is required.

Claim Objections

7. Claim 3 is objected to because of the following informalities: the limitation "said power supply" does not have sufficient antecedent basis. In the interest of furthering prosecution on the merits, as best understood applicant intends to introduce the power supply in claim 3 rather than rely on a previously introduced power supply. Applicant must clearly indicate whether the claim relies on a previously introduced power supply

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or introduces the power supply for the first time in claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 5, 8, and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For claims 5 and 8, the specification does not disclose the intermediate layer having recess in which the light emitting elements, power supply, and an operating element are disposed. For claim 9, the specification does not disclose highly reflective side limit area arranged on the base below the light permeable areas.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase, in relevant part "... wherein said foil is imprinted on the side thereof facing said base (1) ..." is unclear because it is not clear what is to be "imprinted" onto the base facing side of the foil. Is it indicia, a pattern, a message, surface disturbances that aid in light reflection or a coloring agent that is being imprinted on the foil. In the interest of prosecuting the application on the merits, as best understood, any "imprinting" on the base side of the foil is appropriate since no imprinting characterizing limitations have been given.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ku (4,559,583) in view of Skene (US 4,503,110).

Ku teaches a greeting card with a blinking light apparatus comprising:

a base (Base, see Examiner's annotated Figure 6);

at least one light emitting element (2) disposed on said base (Base);

a cover layer (6);

a power supply (4); and

an operating element/control unit (3).

Note, the power supply, operating element, and light emitter are integrated circuits and appropriate mechanisms such as a battery and a switch, which are shown mounted on an intermediate layer, see Examiner's annotated Figure 4.

Note, Ku teaches fixing the intermediate layer in place in the interior of the greeting card, see column 3, line 68- column 4, which is understood to anticipate applicant's limitation of cementing the light emitting elements onto the base.

Ku does not teach the cover layer having at least one light transparent area, said cover layer consisting of a light permeable foil which, except for the light transparent area, is imprinted by a coloring agent which is impermeable to light.

Skene teaches a foil embossing method which includes a transparent foil (15) having a layer including at least one light transparent area, the layer further consisting of a light permeable foil which, except for the light transparent area, is imprinted by a coloring agent (14) which is impermeable to light to provide a method of selectively superimposing a large range of color foil combination onto foils and paper.

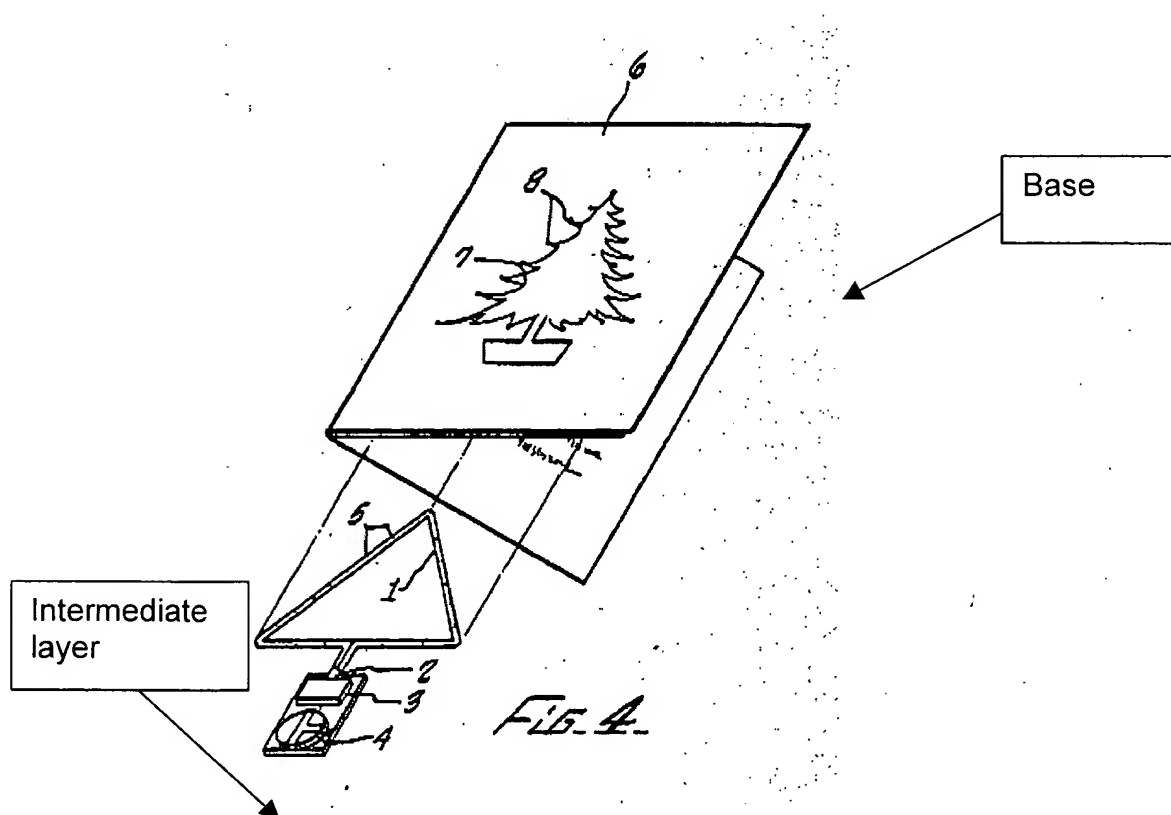
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the greeting card with a blinking light apparatus of Ku to include employing a foil embossing method which includes a transparent foil having a layer including at least one light transparent area, the layer further consisting of a light permeable foil which, except for the light transparent area, is imprinted by a coloring

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agent which is impermeable to light, as taught by Skene, to provide a method of selectively superimposing a large range of color foil combination onto foils and paper.

Note, where Skene teaches the step of stamping the transparent foil (15) and the opaque/pastel foil (14) together, Skene is understood to teach imprinting a bright coloring agent onto the transparent foil because pastel colors are generally bright colors.

Note, for claim 3, it would require only routine skill in the art at the time of the invention to modify the greeting card of Ku and Skene to select the base facing side of the transparent foil (15) of Skene, to imprint with the coloring agent/opaque foil (14).



11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Skene, as applied to claim 1, and in further view of Levinson et al. (6,299,338).

Ku in view of Skene, as applied to claim 1, teaches a modified greeting card with a blinking light apparatus as recited in the claims of the instant application except wherein the light emitting element is an ultraviolet light emitting diode.

Levinson et al. teaches a light apparatus including wherein the light emitting element (110) is an ultraviolet light emitting diode to provide a decorative light apparatus which is simple in design and which emits light of desired colors at selected locations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the greeting card with a blinking light apparatus of Ku in view of Skene, as applied to claim 1, to include wherein the light emitting element is an ultraviolet light emitting diode, as taught by Levinson et al., to provide a decorative light apparatus which is simple in design and which emits light of desired colors at selected locations.

Note, where Skene teaches the step of stamping the transparent foil (15) and the opaque/pastel foil (14) together, Skene is understood to teach imprinting a variety of coloring agent onto the transparent foil which includes imprinting bright coloring agents onto the foil.

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12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku (4,559,583) in view of Skene (US 4,503,110) and in further view of Swartz (US 3,912,842).

Ku in view of Skene, as applied to claim 1, teaches a modified greeting card with a blinking light apparatus as recited in the claims of the instant application except wherein the cover layer comprises a foil that is roughened at the side of the card facing away from the base.

Swartz teaches making an artistic determination of the type of surface finish to provide a foil article to provide reality and realism to the article.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the greeting card with a blinking light apparatus of Ku in view of Skene, as applied to claim 1, to include, by artistic determination, wherein the cover layer comprises a foil that is roughened at the side of the card facing away from the base, as taught by to provide a foil article to provide reality and realism to the article.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Skene, as applied to claim 1, and in further view of Schmidt et al. (US 4,055,014).

Ku in view of Skene, as applied to claim 1, teaches a greeting card with a blinking light apparatus as recited in the claims of the instant application except wherein the intermediate layer consists of foam rubber.

Schmidt et al. teaches a lighted greeting card including a layer (12) of foam rubber, the layer including recesses (30,31) to secure the battery and various electronics, the greeting card designed to be readily shipped without damage thereto including the electrical circuitry.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the greeting card with a blinking light apparatus of Ku in view of Skene, as applied to claim 1, to include a layer of foam rubber, as taught by Schmidt et al. such that the greeting card is designed to be readily shipped without damage thereto including the electrical circuitry.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Skene, as applied to claim 1, and in further view of Sherrard (US 4,537,806).

Ku in view of Skene, as applied to claim 1, teaches a greeting card with a blinking light apparatus as recited in the claims of the instant application except wherein a connection is provided for an external power supply.

Sherrard teaches a compact ornament including electrically connecting the ornament to an external power source, see column 2, lines 8-13, to provide a compact ornament that is simple and easy to use.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the a greeting card with a blinking light apparatus of Ku in view of Skene, as applied to claim 1, to include electrically connecting the greeting card

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to an external power source, to provide a compact ornament that is simple and easy to use.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Colfer et al. teaches a foil appliqué structure. Dichl et al. teaches a relief post card. Hotter teaches a process for making embossed foil. Lind teaches a process for making a foil product. Kaufman teaches an electronically illuminated book. Hoppe teaches an identification card. Wilbur teaches an illuminate greeting card. Haghiri-Tehrani et al. teaches an identification card. Ku '809 teaches an edge illuminated panel. Ming-ho teaches an edge illuminated panel. Feldman teaches printing images on foil covered surfaces. Sasaki et al. teaches a message card. Chien teaches an electro-luminescent light strip. Dejean teaches an illuminated greeting card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

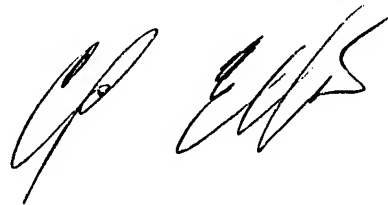
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P. Royal
7/21/2005

Paul Royal
Examiner
Art Unit 3611



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